



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: WALLACH=25

27W  
AF/CC  
45

In re Application of: ) Conf. No.: 7238  
David WALLACH ) Art Unit: 1636  
Appln. No.: 09/671,687 ) Examiner: D. A. Lambertson  
Filed: September 28, 2000 ) Washington, D.C.  
For: NOVEL INHIBITOR OF NF-KB ) December 13, 2005

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building, Mail Stop AF  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated June 13, 2005, of the Primary Examiner. The claims appealed are claims 2, 20-24, 38 and 44-46.

The item(s) checked below are appropriate:

Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

XXX The fee has been calculated as shown below:

XXX \$500.00

\_\_\_\_\_ \$250.00 (small entity)

\_\_\_\_\_ Not required (fee paid in prior appeal)

XXX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity  
Response Filed Within

[ ] First - \$ 60.00

[ ] Second - \$225.00

[ ] Third - \$510.00

month after time period set

Other Than Small Entity  
Response Filed Within

[ ] First - \$ 120.00

[ ] Second - \$ 450.00

[X] Third - \$1020.00

month after time period set

[X] Less fees (\$1,020.00) already paid for 3 months extension of time on December 13, 2005, with the Amendment After Final Rejection.

XXX Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$ 500.00.

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK LLP 00000013 09671687

Attorneys for Applicant(s)  
41 FC:1401

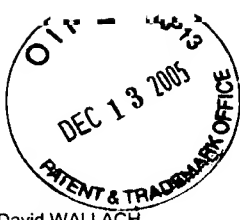
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By: 

Allen C. Yun

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RESPONSE UNDER 37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: David WALLACH

Art Unit: 1636

Application No.: 09/671,687

Conf. No. 7238

Examiner: D. A. Lambertson

Filed: September 28, 2000

Washington, D.C.

For: NOVEL INHIBITOR OF NF-KB

Atty.'s Docket: WALLACH=25

Date: December 13, 2005

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop AF  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Transmitted herewith is a [XX] Amendment After Final Rejection [ ]  
in the above-identified application.

[ ] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[ ] No additional fee is required.

[XX] The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 17	MINUS	** 37	0
INDEP.	* 1	MINUS	*** 5	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
x 25	\$		x 50	\$
x 100	\$		x 200	\$
+ 180	\$		+ 360	\$
ADDITIONAL FEE TOTAL			TOTAL	\$

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[XX] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- [ ] First - \$ 60.00  
[ ] Second - \$ 225.00  
[ ] Third - \$ 510.00  
[ ] Fourth - \$ 795.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

- [ ] First - \$ 120.00  
[ ] Second - \$ 450.00  
[XX] Third - \$ 1020.00  
[ ] Fourth - \$ 1590.00

Month After Time Period Set

[ ] Less fees (\$ ) already paid for month(s) extension of time on .

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$ .

[XX] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ 1,020.00.

[ ] A check in the amount of \$ is attached (check no. ).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

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